

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Phoenix Eagle Company Pty Ltd

Application No./Patent No.: 10/521380 Filed/Issue Date: 18 January 2006

Entitled: FRUIT AND/OR VEGETABLE DERIVED COMPOSITION

Phoenix Eagle Company Pty Ltd an Australian company ACN 101 131 908  
(Name of Assignee) (Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ an assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee  
As shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (ie., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Mark Richardson  
Signature  
MARK RICHARDSON  
Printed or typed Name  
MANAGING DIRECTOR  
Title

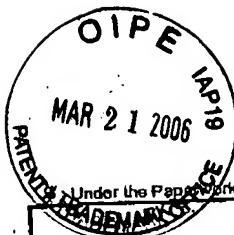
Phoenix Eagle Company Pty Ltd

22/01/2006  
Date (Day Month Year)

\_\_\_\_\_  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

S&F REF: 638810US



Approved for the use through 11/15/2006 OML 0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
TO/SIP 31-04

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/521380
Filing Date	18 January 2005
First Named Inventor	Thomas James McArthur
Title	FRUIT AND/OR VEGETABLE DERIVED COMPOSITION
Art Unit	
Examiner Name	
Attorney Docket Number	048501/287184

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint

Alston & Bird LLP

☒ Practitioners associated with Customer Number

00826

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number

OR

☐ Firm or  
Individual Name

Address

City

Country

Telephone

State

ZIP

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Phoenix Eagle Company Pty Ltd

Signature	<i>[Signature]</i>	Date	22 JAN 2006
Name	MARK RICHARDSON	Day	Month
Title and Company	MANAGING DIRECTOR - PHOENIX EAGLE COMPANY PTY LTD	Year	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

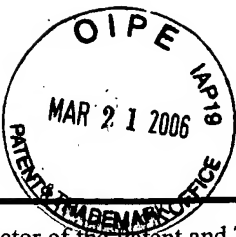
☐ \* Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

S&F Ref: 636810US

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PATENTS ONLY

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To the Director of the Patent and Trademark Office:

Attorney Dkt. No.: 048501/287184

Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

Thomas J. McArthur

Additional name(s) of conveying party(ies) attached? Yes ☐ No ☒

2. Name and address of receiving party(ies):

Phoenix Eagle Company Pty. Ltd.  
1<sup>st</sup> Floor, 3 Alvan Street  
Mount Lawley  
Western Australia 6050  
Australia

3. Nature of conveyance/ Execution Date(s):

Execution Date(s) 3/10/06

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

Additional name(s) & address(es) attached? Yes ☐ No ☒

4. Application or patent number(s):

A. Patent Application No.(s) 10/521,380

B. Patent No.(s)

☐ This document is being filed together with a new application.

Additional numbers attached? Yes ☐ No ☒

5. Name and address of party to whom correspondence concerning document should be mailed:

**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account  
☐ None required (government interest not affecting title)

8. Deposit account number: 16-0605

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9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

  
Name of Person Signing: Kelly J. Williamson  
Reg. No. 47,159

3/17/06

Date

Total number of pages including cover sheet, attachments, and documents: 2

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US sole  
(After Application Filed)

## ASSIGNMENT OF PATENT RIGHTS FOR THE UNITED STATES

FOR VALUE RECEIVED, I Thomas James McArthur an Australian citizen

residing at 15 Awinya Court, Urraween, Queensland 4655 Australia

hereby sell, assign, transfer and convey unto: Phoenix Eagle Company Pty Ltd

a corporation of: Australia ACN 101 131 908

having a place of business at: 1<sup>st</sup> Floor, 3 Alvan Street, Mount Lawley, Western Australia 6050, Australia

its successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title and interest, for the United States, in and to certain inventions relating to

### FRUIT AND/OR VEGETABLE DERIVED COMPOSITION

and described in an application for an International (PCT) Patent Application designating the United States filed by me on 18 January 2005

and which has been accorded Application No. 10/521380

and in and to said application, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent upon said inventions to the Assignee or to such nominees as it may designate.

AND I authorize and empower the said Assignee or nominees to invoke and claim for any application for patent or other form of protection for said inventions, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

AND I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in the United States for any purpose and more particularly in proof of the right of said Assignee or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property as amended, or by any convention which may henceforth be substituted for it.

AND I hereby covenant that we have the full right to convey the entire right, title and interest herein assigned and that I have not executed and will not execute any agreement in conflict herewith.

AND I hereby covenant and agree that we will communicate to said Assignee or nominees all facts known to me pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and declarations and in general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining, maintaining and enforcing all lawful patent protection for said inventions in the United States.

By:   
Thomas James McArthur

Date: 10 3 2006  
Day Month Year

S&F Ref: 638610US

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